

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GERALD L. HURST,

9:13-CV-0681  
(DNH/RFT)

Plaintiff,

-v-

MR. SEARLES, Lieutenant, F.C.I. Ray Brook;  
MR. DEGON, Lieutenant, F.C.I. Ray Brook; MR.  
HALLADAY, Correctional Officer, F.C.I. Ray  
Brook; MR. GODFREY, Correctional Officer,  
F.C.I. Ray Brook; and MR. HUMPHRIES,  
Correctional Officer, F.C.I. Ray Brook,

Defendants.

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APPEARANCES:

OF COUNSEL:

GERALD L. HURST  
Plaintiff, Pro Se  
64336-053  
Cumberland Federal Correctional Institution  
Inmate Mail/Parcels  
P.O. Box 1000  
Cumberland, MD 21501

THE HON. RICHARD S. HARTUNIAN  
United States Attorney of the  
Northern District of New York  
Attorney for Defendants  
P.O. Box 7198  
100 South Clinton Street  
Syracuse, NY 13261

CHARLES E. ROBERTS, ESQ.  
Ass't United States Attorney

DAVID N. HURD  
United States District Judge

### **DECISION and ORDER**

Pro se plaintiff Gerald Hurst brought this action pursuant to 42 U.S.C. § 1983. On July 29, 2014, the Honorable Randolph F. Treece, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion for summary judgment be granted and plaintiff's complaint be dismissed. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

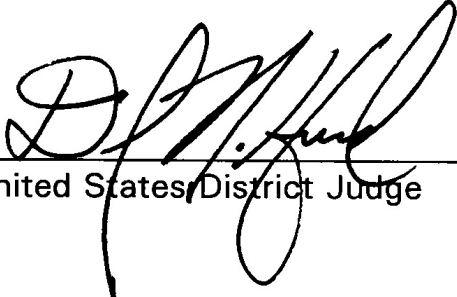
Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED;
2. Plaintiff's complaint is DISMISSED in its entirety; and
3. The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: August 26, 2014  
Utica, New York.

  
United States District Judge